

## **October 17, 2011 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, October 17, 2011 at 6:00 P.M.**

**Council President Arthur S. Weber, Jr., Presiding**

**Vice President Bruce J. Long**

**Councillor Richard Cambra**

**Councillor Christopher T. Semonelli**

**Councillor Edward J. Silveira, Jr.**

**Councillor Antone C. Viveiros**

**Councillor Barbara A. VonVillas, Members Present**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**There were no reconsiderations.**

## **BUDGET**

### **FY 2012- FY2013 - Budget Discussion and Schedule**

**On motion of Vice President Long, duly seconded, it was voted unanimously to begin FY 2012-FY2103 Budget Discussion and Schedule.**

**Town Administrator Shawn Brown explained the need to begin the budget process with an earlier time line and completion. Mr. Brown reviewed the budget schedule entered here:**

**Discussion centered around scheduling two retreats one with the Council and one with Department Heads, the budget submission**

**schedule, meetings with the Library Board of Trustees, School Committee and Senior Citizens Board of Directors, and the importance of public input during the budget process by workshop participation and utilization of the Town website.**

**It was the consensus of the Council to move forward with the budget process.**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**Dennis Turano, 182 Tuckerman Avenue, questioned the upcoming statistical tax reassessment, noting his concern with an increase in**

**property tax. Mr. Turano suggests using the rainy day fund to offset an increase in taxes and requested explanation of the Town rainy day fund.**

**Councillor Silveira recused himself from acting on the following item of business, #1 due to a possible conflict of interest.**

**Town Solicitor Michael W. Miller recused himself from the following item of business, #1 due to a possible conflict of interest.**

**Assistant Town Solicitor J. Russell Jackson was present to represent the Town on the following item of business.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

### **1. (Public Hearing Advertised)**

**Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2011-2012 licensing year. (See attached list)**

**Public Hearing was declared open.**

**David Fox, Esquire, 850 Aquidneck Avenue, Attorney for an abutter of the Clambake Club, requested the Clambake Club's license renewal be postponed, explaining the application is incomplete. Mr. Fox also noted the abutter is concerned with members consuming alcohol and skeet shooting.**

**Council President Weber noted there have been no other complaints or problems with the Clambake Club's liquor license in the past.**

**Dan Prentiss, Esquire, 1 Turks Head Place Providence, representing the Clambake Club, asked the Council to grant the Clambake Club's license, noting no shooting activities are currently occurring and**

**there have been no issues with their license.**

**Russell Dulac, 387 Tuckerman Avenue, explained his objection to the Clambake Club holding a liquor license where guns are permitted. Mr. Dulac noted alcohol impairs a person's inability to shoot and children are playing nearby.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.**

**At the request of Vice President Long, items #6 and #8 were heard under the regular portion of the agenda.**

## **CONSENT**

- 2. Approval of Minutes, re: Regular Meeting, October 3, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

- 3. Memorandum of Town Clerk, Town of Richmond, with enclosure, re: Resolution in the Aftermath of Tropical Storm Irene.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

- 4. Memorandum of Town Administrator, with enclosures, re: Surplus Property – Middletown Library.**



**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**5. Resolution of the Council, re: Surplus Property – Middletown Library.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

**6. Memorandum of Acting Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown residents.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**M. Theresa Santos, 214 Morrison Avenue, requested the percentage of uncollected taxes and the amount of money that it computes to, as well as questioning the tax abatements.**

**Town Administrator Shawn Brown, responding to Ms. Santos explained that approximately 3 percent is uncollected and would be able to provide an exact number at a future date.**

**7. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

**Vice President Long and Councillor Silveira recused themselves from acting on the following item of business, #8, due to a possible conflict of interest.**

**8. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, for the 2011-2012 licensing year. (See attached list)**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license renewals.**

**Councillor Silveira recused himself from acting on the following item of business # 9, due to a possible conflict of interest.**

## **PUBLIC HEARINGS**

### **9. (Public Hearing Advertised)**

**Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2011-2012 licensing year. (See attached**

**list)**

**Public Hearing was declared open.**

**There being no person present desiring to be heard, public hearing was declared closed.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.**

**Councillor Silveira recused himself from acting on the following item, #10 of business, due to a possible conflict of interest.**

**10. (Continued from Regular Meeting, September 6, 2011; Abutters Notified)**

**(Continued from Regular Meeting, August 15, 2011; Abutters Notified)**

**Public Hearing (Advertised; Abutters Notified)**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, reclassification of Lots 8, 9 and 10, TAP 111 from Light Industrial Traffic Sensitive (LIA) to General Business A (GBA) and Lot 9A on TAP 111 from Light Industrial (LI) to General Business (GB). (Planning Board recommendation attached)**

**Council President Weber read the history of the petition, entered below, into the record. Mr. Weber noted the request of the petitioner is inconsistent with the comprehensive community plan and the Planning Board voted to recommend that the Town Council not approve the subject zoning amendment.**

**Councillor Semonelli explained Middletown has a vision for land usage in the area requested for rezoning and the importance of staying on course.**

**On motion of Councillor Semonelli, duly seconded, it was voted to adopt said ordinance on its second reading, all voted NO to said motion; MOTION FAILED TO PASS.**

## **11. (Public Hearing Remains Open)**

**(Public Hearing Advertised; Abutters Notified)**

### **An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, reclassification of Lot 758, TAP 114 from Limited Business/Traffic Sensitive (LBA) and Residential-20 (R-20) to Limited Business/Traffic Sensitive (LBA). (Planning Board recommendation attached)**

**Public Hearing remains open from October 3, 2011 Regular Meeting of the Council.**

**David Martland, Esquire, 1100 Aquidneck Avenue, Attorney representing the owner/applicant, addressed the Council explaining since the last hearing, a condition was placed on the petition that a 20 foot vegetative screening be installed.**

**Vice President Long inquired the intent for requesting the rezoning.**

**Attorney David Martland, responding to Vice President Long, explained the area would be used for additional storage.**

**Vice President Long noted support for the petition with conditions.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adopt said ordinance on its second reading, subject to the condition that the petitioner constructs the following improvements subject to the approval of the Town's Zoning Officer; Along all boundaries which abut residential property that:**

- a. A 20' vegetative buffer is installed and maintained.**
- b. Within the 20' buffer area, a vegetative screening with a minimum 6' height at the time of installation is installed and maintained.**

## **12. (Public Hearing Remains Open)**

**(Public Hearing Advertised; Abutters Notified)**

### **An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, reclassification of Lot 7, TAP 104 from Traffic Sensitive Medium Density Residential (R-20A) to residential multi-family, traffic sensitive (RMA). (Planning Board recommendation attached)**



**Public Hearing remains open from October 3, 2011 Regular Meeting of the Council.**

**Attorney Jeremiah Lynch, 97 John Clarke Road, representing the applicant, explained that the issue with the abutter's stone wall has been resolved.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**13. (Public Hearing Remains Open)**

**(Public Hearing Advertised)**

**Transportation Improvement Program (TIP) - Prioritizing approved Town Projects for the FFY 2013-2016 submission to the State Planning Council.**

**Public Hearing remains open from October 3, 2011 Regular Meeting of the Council.**

**Council President Weber noted the Council has reviewed the TIP list and made modifications.**

**Manny Mello, Beacon Terrace North, addressed the Council inquiring about the sidewalks on Aquidneck Avenue, noting concern for the safety of children walking on Aquidneck Avenue.**

**Town Administrator Shawn Brown explained the Aquidneck Avenue sidewalk project is # 4 on the priority list.**

**M. Theresa Santos, 214 Morrison Avenue, expressed concern with the Aquidneck Avenue sidewalk project, noting it should be # 1 on the list for the safety of the children.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

**14. Memorandum of Town Administrator, with enclosure, re: FY2013-2016 Transportation Improvement Program (TIP) Project Priority as amended.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Planner Ronald Wolanski addressed the Council explaining existing projects on the TIP do not need to be resubmitted; new projects will need approval by the Planning Board.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adopt said priority list, entered below, and authorize the administration to file necessary documents with the State.**

## **OTHER COMMUNICATIONS**

**15. Memorandum of Senator Louis P. DiPalma, with enclosures, re: Aquidneck Island Coyote Workgroup Final Report.**

**State Senator Louis P. DiPalma reviewed the memorandum and enclosure, entered below. Senator DiPalma commended the Town Council and Working Group, explaining the Town of Middletown can set a model for other communities.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**Council President Weber noted the team effort and thanked Senator Louis P. DiPalma and Representative Deborah Ruggiero for their support.**

**Councillor Semonelli noted the concern citizens had with the coyote issues, explaining the hope that the management plan will assist in controlling the coyotes in the area. Mr. Semonelli requests the Town Clerk to forward the Best Management Practices to the Portsmouth and Newport Councils.**

**Ken Cordeiro, 2 Fagan Court, noted his opposition to the policy, explaining the coyotes should be terminated and not allowed to reproduce.**

**16. Communication of Brian Jordan, Ph.D., Federal Preservation Officer Headquarters Archaeologist, US Department of Interior, Bureau Of Ocean Energy Management, Regulation and Enforcement, with enclosures, re: Requesting the Town to review the proposed**

**action in the NOI and offer information related to known historic sites or cultural resources within the areas under consideration that may be affected by leasing.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.**

**Town Administrator Shawn Brown explained that he would respond to this inquiry.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to refer this matter to the Town Administrator for review.**

## **COMMUNICATIONS OF TOWN COUNCIL**

**17. (Continued from October 3, 2011)**

**Memorandum of Councillor VonVillas, re: Library Facilities – Update.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor VonVillas noted her concern that the community needs to be aware of the condition of the library facility.**

**18. Memorandum of Town Administrator, re: Follow-up on Condition of Library Facility.**

**Town Administrator Shawn Brown reviewed the memorandum entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown noted the Library repairs made last year, due to the collapse of a section of the library floor.**

## **COMMUNICATIONS TOWN ADMINISTRATOR**

**19. Memorandum of Town Administrator, with enclosures, re: Statewide Planning Program – 2011 Planning Challenge Grant Program.**

**Town Administrator Shawn Brown explained that the Administration is requesting permission to apply for a grant.**

**Town Planner Ronald Wolanski reviewed the following memorandum, entered here:**



**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**20. Resolution of the Council, re: Authorizing the Town Planner to submit grant application for a Planning Challenge Grant.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

## **APPOINTMENTS OF BOARDS AND COMMITTEES**

**21. Appointment of one (1) member to the Tax Assessment Review Board for a term expiring October 2014. (Bi-partisan Board)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint James Levitt for a term expiring October**

**2014.**

**22. Communication of Stanley L. Ehrlich, re: Resignation from the Conservation Commission.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said email communication and accept resignation with regret.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 8:34 P.M.**

**Wendy J.W. Marshall, CMC**

**Council Clerk**

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